

AS

Notice of Allowability	Application No.	Applicant(s)	
	10/030,981	UENO ET AL.	
	Examiner	Art Unit	
	Patricia L. Hailey	1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to a Request for Reconsideration, filed on December 23, 2003.
2. ☒ The allowed claim(s) is/are 1,2,4-8 and 15-34.
3. ☒ The drawings filed on 16 January 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**


7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |


Mark L. Bell
 Supervisory Patent Examiner
 Technology Center 1700

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Applicants' Request for Reconsideration, filed on December 23, 2003, has been carefully considered.

Claims 1, 2, 4-8 and 15-34 remain pending in this application.

In the Final Rejection, claims 6-8 and 15-20 were indicated as being allowed, and claims 1, 2, 4, 5, and 21-34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Degelmann et al. (U. S. Patent No. 6,103,894).

Declaration under 37 CFR 1.132

1. The Declaration under 37 CFR 1.132 filed December 23, 2003, is sufficient to overcome the rejection of claims 1, 2, 4, 5, and 21-34 under 35 U.S.C. 103(a) as being unpatentable over Degelmann et al. (U. S. Patent No. 6,103,894).

The Declaration shows that the compositions of Degelmann et al. '894 are not crystalline, like the claimed crystalline mixture solid composition. Additionally, the Declaration shows that the compositions of Degelmann et al. '894 contain 1, 1-GPS in amounts outside that respectively claimed.

Allowable Subject Matter

2. Claims 1, 2, 4-8, and 15-34 are allowed.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

In addition to the 132 filed by Applicants, Applicants' arguments regarding the Degelmann et al. '894 reference are persuasive. Although Degelmann et al. '894 disclose the presence of fractions containing a mixture of 1,6-GPS and 1,1-GPS, the presence of 1,1-GPS is more than 0.01 to 1.5 wt. %, which is the amount recited in the instant claims.

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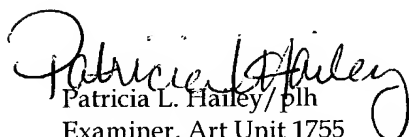
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Hailey whose telephone number is (571) 272-1369. The examiner can normally be reached on Mondays-Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on (571) 272-1362. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-¹⁷⁰⁰~~1200~~.


Patricia L. Hailey/plh
Examiner, Art Unit 1755
January 29, 2004


Mark L. Bell
Supervisory Patent Examiner
Technology Center 1700